

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

BRYAN SAMPSON	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO.: 17-00241
	§	
MORTGAGE ELECTRONIC	§	
REGISTRATION SYSTEM, INC. (MERS),	§	
EQUITY LOANS, LLC DBA EQUITY	§	
PRIME MORTGAGE, PINGORA LOAN	§	
SERVICING, LLC, CENTRAL LOAN	§	
ADMINISTRATION AND REPORTING	§	
FSB AND DAVID STOCKTON OR ANY	§	
TO ACT AS SUBSTITUTE TRUSTEE	§	
<u>Defendants.</u>	§	

NOTICE OF REMOVAL

Defendants, MORTGAGE ELECTRONIC REGISTRATION SYSTEM, INC. (“MERS”), PINGORA LOAN SERVICING, LLC (“Pingora”), and CENLAR FSB (incorrectly named as Central Loan Administration and Reporting FSB) (“Cenlar”) (collectively “Defendants”), file this, their Notice of Removal:

1. On or about March 7, 2017, Plaintiff Bryan Sampson (“Plaintiff”) filed suit in the 153rd Judicial District Court of Tarrant County, Texas, entitled *Bryan Sampson v. Mortgage Electronic Registration System, Inc. (MERS), Equity Loans, LLC dba Equity Prime Mortgage, Pingora Loan Servicing, LLC, Central Loan Administration and Reporting FSB and David Stockton or any to act as Substitute Trustee*, Cause No. 153-290848-17, seeking injunctive relief, and asserting causes of action for common law fraud, breach of contract, and violations of the real Estate Settlement Procedures Act (12 C.F.R. §1024.41, *et seq.*) (“RESPA”) and the Texas Debt Collection Act (TEX. FIN. CODE §392.001, *et seq.*). See Plaintiff’s Original Complaint, ¶¶ 25-45.

2. As of March 20, 2017, none of the returns of service for any of the Defendants has been filed with the Court. Therefore, it is not necessary to obtain consent to remove from the other two Defendants, Equity Loans, LLC dba Equity Prime Mortgage and David Stockton, as Substitute Trustee.

3. Additionally, Cenlar and Pingora received notice of the filing of the state court lawsuit on or about March 7, 2017 through email correspondence with Plaintiff's counsel. Removal is timely under 28 U.S.C. § 1446(b).

I. BASIS FOR REMOVAL— FEDERAL QUESTION

4. Removal is proper because Plaintiff's suit involves a federal question. Specifically, Plaintiffs allege that Defendants violated RESPA (12 C.F.R. §1024.41, *et. seq.*). (See Plaintiff's Original Complaint, ¶ 36-40). Plaintiff seeks damages for violation of RESPA. (See Plaintiff's Original Complaint, ¶40). Plaintiff seeks attorney fees pursuant to RESPA. (See Plaintiff's Original Complaint, ¶46). Therefore, this Federal District Court has original jurisdiction over this case under the provisions of 28 U.S.C. §§ 1331 and 1441(a).

II. VENUE

5. Venue is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the location of the State Court in which the removed action has been pending.

III. DOCUMENTS FILED

8. As required by 28 U.S.C. § 1446(a), the following documents are attached and filed herewith:

Exhibit "A": INDEX OF MATTERS BEING FILED;

Exhibit "B": STATE COURT'S FILES including a true and correct copy of all process, court docket sheet, pleadings asserting causes of action, answers and any orders signed by the state court judge:

1. Plaintiff's Original Verified Petition and Application for Temporary Restraining Order and Temporary Injunction

2. Unsigned Temporary Restraining Order

Exhibit "C": LIST OF COUNSEL OF RECORD, including addresses, telephone numbers and parties represented.

IV. CONCLUSION

9. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because it involves questions of federal law.

10. Upon the filing of this Notice of Removal, Defendants will also provide written notice of same to all parties.

11. Defendants will promptly file this Notice of Removal with the clerk of the State Court in which the action has been pending.

12. Accordingly, Defendants request that this case proceed in this Court as a properly removed action, and for such other and further relief to which it is entitled.

Respectfully submitted,

HUGHES WATTERS ASKANASE, L.L.P.

By: /s/ Sabrina A. Neff

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LLC AND CENLAR FSB

OF COUNSEL:

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CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Removal has been served upon the following on this 20th day of March, 2017:

John G. Helstowski
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Fort Worth, Texas 76109
Counsel for Plaintiff

Via Email: jgh@jghfirm.com

Equity Loans, LLC dba Equity Prime Mortgage
Incorp. Services, Inc., Registered Agent
815 Brazos, Suite 500
Austin, Texas 78701

Via CM/RRR

David Stockman, Substitute Trustee
Marinosci & Baxter
14643 Dallas Parkway, Suite 750
Dallas, Texas 75254

Via CM/RRR

/s/ Sabrina A. Neff

Sabrina A. Neff